

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEVIN L. SAGO,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:17 CV 1097 RWS
)	
TROY STEELE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Petitioner Kevin Sago moves for appointment of counsel in this 28 U.S.C. § 2254 case. In support, Sago states that he does not have access to the Rules Governing Section 2254 Cases because his institution's library does not have a copy of these Rules and that he is currently only allowed six hours of law library time weekly.

Sago does not have a constitutional or statutory right to appointed counsel in these proceedings. *McCall v. Benson*, 114 F.3d 754, 756 (8th Cir. 1997). In determining whether to appoint counsel, courts consider several factors, including the factual and legal complexity of the case and the ability of the plaintiff to investigate the facts and present his claim without the assistance of court-appointed counsel. *Martin v. Fayram*, 849 F.3d 691, 699 (8th Cir.

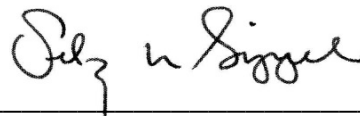
2017). After considering these factors, I find appointment of counsel is not warranted at this time. The factual and legal issues raised by Sago's petition are not so complex and numerous as to warrant appointment of counsel. Sago has demonstrated an ability to investigate and articulate his claims. He has not identified any issues that lead me to conclude counsel should be appointed at this time.

I will deny the motion without prejudice to Sago renewing the motion if later circumstances warrant it. I will also direct the Clerk of Court to mail Sago a copy of the Rules Governing Section 2254 Cases, as Sago requested.

Accordingly,

IT IS HEREBY ORDERED that Petitioner Kevin Sago's Motion for Appointment of Counsel #[7] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court is directed to mail Petitioner Kevin Sago a copy of the Rules Governing Section 2254 Cases in the United States District Courts.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written above a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 10th day of May, 2017.